



***Town of Tyngsborough
Conservation Commission***

25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext. 116
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Minutes
August 26, 2014
APPROVED

Present:

BM: Brian Martin **PM:** Pat Mical **JK:** Jeff Kablik **LB:** Linda Bown **ES:** Ed Smith
JE: Jerry Earl **MM:** Matt Marro

Absent:

LG: Lucy Gertz

Attachments:

1. Agenda
2. 10 Cedar Lane Notice of Intent Plan – 7/24/14
3. 10 Cedar Lane Email from Homeowner – 8/22/14
4. 10 Lands End Rd. Pictometry – 8/5/14
5. 53 Willowdale Rd. RDA Plot Plan – 8/18/14
6. 9 Cedar Lane OOC Amendment Plan – 7/22/14
7. 37 Willowdale Rd. (Ava Lane) Notice of Intent Filing – 7/31/14
8. 41 Chestnut Rd. Pictometry Photo – 8/26/14
9. Conservation Director Open Space Report – 8/21/14

7:00pm BM opened meeting

7:02pm **10 Cedar Lane (M26, P144, L0) – Notice of Intent**, to remove 6 feet of retaining wall, dead tree & brush debris; and to install a removable dock within a resource area (Lake Mascuppic). Continued from 8/12/14.

MM reported that he and ES delineated the wetlands on the property as well as the 30' no-touch zone. The homeowner is still in the progress of cleaning the area as directed.

ES: Motion to continue this hearing until September 23, 2014 at 7pm

JE: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passed: 6-0-1

7:15pm 10 Lands End Rd. (M32A, P107, L0) – Enforcement Order for work within the 30 foot “no touch” zone without a valid Order of Conditions. Continued from 8/12/14.

Homeowner Robert Reid appeared before the Commission. MM reported that he, ES, BM, and LB walked the site and noted yard waste debris by the wetland. The Commission requested the homeowner to rake out the area, loam and seed. Once that work is done the homeowner is requested to contact MM. In addition, MM said that he would talk with Tyngsborough DPW about putting in some “No Dumping” signs on the town own land area across the street from the home.

7:25pm 41 Chestnut Rd. (M8, P109, L0) – Request for a Partial Certificate of Compliance, DEP# 309-461. Order of Conditions issued April 28, 1998.

MM reported that this was completed for quite some time and in compliance.

ES: Motion to approve a Partial Certificate of Compliance for 41 Chestnut Rd. DEP# 309-461.

JE: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

7:30pm 53 Willowdale Rd. (M33, P8, L0) – Request for Determination of Applicability to construct a 3,000 s.f. single family dwelling within 100 ft. of a wetland resource area.

ES: Motion to waive the reading of the legal notice and abutters list.

JE: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

Land owner Andrea Leaver appeared before the Commission. MM & ES marked the wetlands at the site which altered the proposed placement of the new dwelling which is outside of the no structure zone. MM reported that the new home placement would be a vast improvement to the old dwelling that was razed in May 2013 and improve the green space on the lot. He went on to say that there wouldn't be any big erosion issues since the topography of the lot is relatively flat. JK asked that the plot plan show the 50' no structure, 30' no touch, and 100' buffer zones as well as where the hay bales would be placed. Abutters from 24 Willowdale Rd. and 45 Willowdale Rd. spoke in favor of the project. There were no other abutters present to speak for or against the project.

ES: Motion to close the public portion of the hearing.

JE: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

JK: Motion to issue a Negative Determination for 53 Willowdale Rd. with the condition that the plot plan dated 8/18/14 be revised to include the 50' No Structure, 30' No touch, and 100' Buffer zones, and the location of the haybales and tree plantings on the lot.

ES: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

7:40pm **9 Cedar Lane (M26, P145, L0) – Request to amend the existing Order of conditions, DEP# 309-0842** to alter 550s.f. of bordering vegetated wetlands with a subsequent wetland replication of 600 s.f. in order to upgrade an existing wood roadway to a gravel driveway crossing.

ES: Motion to waive the reading of the legal notice and abutters list.

JE: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

Engineer Leah Basbanes appeared before the Commission for the applicant. Ms. Basbanes explained that there is an existing wetland crossing consisting of wood boards that had been approved under the current Order of Conditions. During the course of the work related to the entire project, the area deteriorated and the homeowner would like to fix it with a gravel culvert. This would achieve a hydrologic connective of both sides of the wetland area which is very vegetated on both sides. They are proposing to fill 550 s.f., and will replicate 600 s.f. Ms. Basbanes went on to say that there would be no excavation to prevent further deterioration. MM indicated that this was well in line with the scope of the existing Order of Conditions, and recommended to amend. There were no abutters present to speak for or against this project.

ES: Motion to close the public portion of the hearing

JE: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

7:55pm **37 Willowdale Rd. aka Giguere Rd. (M33, P1, L0) – Notice of Intent** for the development of 12.8 acres adjacent to Lake Althea that will consist of a 4 lot subdivision.

JK: Motion to waive the reading of the legal notice and abutters list.

JE: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

Engineer Jim Fairweather, and Atty. Peter Nicosia appeared with the applicant Frank Gorman. Mr. Fairweather explained that this is a four lot subdivision, however, only three of the lots are in the buffer zone and are included in this filing. MM added that an ORAD was done under DEP number 309-0787 and indicated 3 ½ acres of wetlands on the site. He went on to say that the design of the project is very good with adherence to the stormwater bylaw, and a good maintenance plan for the site. MM reported that the Tyngsborough Tax Collector noted that there are back taxes still due on this property and added that the Commission could condition any approval with the payment of the taxes. Atty. Nicosia added that the taxes would be paid upon the final sale of the property which is conditioned on receiving all proper municipal permits. Abutters from 35 Willowdale Rd. were present and didn't have any objections to the project. There were no other abutters present to speak for or against the project.

ES: Motion to close the public portion of the hearing.

PM: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

ES: Motion to issue a Standard Order of Conditions at 37 Willowdale Rd. for the development of 12.8 acres adjacent to Lake Althea that will consist of a four lot subdivision, DEP# 309-0876 with the condition that the taxes be paid in full prior to the issuance of any building permits.

JE: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

Director's Reports

MM briefed the Commission on his report that was requested by the Board of Selectmen concerning Remote Control Aviation to be conducted on Town open space. The Commission discussed the feasibility of allowing this activity and stressed that use guidelines and agreements with organizations must be implemented in order to consider moving forward with this concept. MM's research yielded that the Hunter/Norton property was the most feasible property to consider, as it is wide open and secluded from homes and businesses. The Board of Selectmen are still studying this proposal.

Administrative:

1. Minutes:

JK: Motion to approve the minutes as written from the August 12, 2014 meeting

ES: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

8:30pm

ES: Motion to adjourn

JE: 2nd the motion

In Favor: 6 Opposed: 0 Absent: 1

Passes: 6-0-1

Respectfully for the Conservation Commission,

Pamela Berman
Administrative Assistant